

First ECR Annual Report to OMB-CEQ 6/03/06 rev.

On November 28, 2005, Joshua Bolten, then Director of the Office of Management and Budget (OMB), and James Connaughton, Chairman of the President's Council on Environmental Quality (CEQ) issued a policy memorandum on environmental conflict resolution (ECR). This joint policy statement directs agencies to increase the effective use and their institutional capacity for ECR and collaborative problem solving. ECR is defined in Section 2 of the memorandum and is included in the accompanying footnote.¹

The memorandum requires annual reporting by departments and agencies to OMB and CEQ on progress made each year. The report format below is provided for the first year of reporting in accordance with this memo for activities in FY06. The report deadline is December 15, 2006.

Name of Department/Agency responding:	_____
Name and Title/Position of person responding:	_____
Division/Office of person responding:	_____
Contact information (phone/email):	_____
Date this report is being submitted:	_____

1. Do you think that the use of ECR would help your department/agency minimize the occurrence of any of the following?

Check <u>all</u> that apply	
<input type="checkbox"/>	Protracted and costly environmental litigation;
<input type="checkbox"/>	Unnecessarily lengthy project and resource planning processes;
<input type="checkbox"/>	Costly delays in implementing needed environmental protection measures;
<input type="checkbox"/>	Foregone public and private investments when decisions are not timely or are appealed;
<input type="checkbox"/>	Lower quality outcomes and lost opportunities when environmental plans and decisions are not informed by all available information and perspectives; and
<input type="checkbox"/>	Deep-seated antagonism and hostility repeatedly reinforced between stakeholders by unattended conflicts.

¹ Under this policy, Environmental Conflict Resolution (ECR) is defined as third-party assisted conflict resolution and collaborative problem solving in the context of environmental, public lands, or natural resources issues or conflicts, including matters related to energy, transportation, and land use. The term "ECR" encompasses a range of assisted negotiation processes and applications. These processes directly engage affected interests and agency decision makers in conflict resolution and collaborative problem solving. Multi-issue, multi-party environmental disputes or controversies often take place in high conflict and low trust settings, where the assistance of impartial facilitators or mediators can be instrumental to reaching agreement and resolution. Such disputes range broadly from administrative adjudicatory disputes, to civil judicial disputes, policy/rule disputes, intra- and interagency disputes, as well as disputes with non-federal persons/entities. ECR processes can be applied during a policy development or planning process, or in the context of rulemaking, administrative decision making, enforcement, or litigation and can include conflicts between federal, state, local, tribal, public interest organizations, citizens groups and business and industry where a federal agency has ultimate responsibility for decision-making.

While ECR refers specifically to collaborative processes aided by third-party neutrals, there is a broad array of partnerships, cooperative arrangements, and unassisted negotiations that federal agencies enter into with non-federal entities to manage and implement agency programs and activities. The Basic Principles for Agency Engagement in Environmental Conflict Resolution and Collaborative Problem Solving presented in Attachment A and this policy apply generally to ECR and collaborative problem solving. This policy recognizes the importance and value of the appropriate use of all types of ADR and collaborative problem solving.

2. Are there any priority areas where you think ECR could be helpful in addressing any of the above challenges for your department/agency?

If so, please list.

If not, please explain.

3. To what extent does your department/agency already use ECR?

Check <u>only</u> one	
<input type="checkbox"/>	Not at all, not applicable
<input type="checkbox"/>	Not at all, but might be useful
<input type="checkbox"/>	Sometimes used, but could be used more frequently
<input type="checkbox"/>	Use often, but recognize it could be used more
<input type="checkbox"/>	We make full use of ECR, as applicable

Please discuss briefly the extent of your use of ECR and, if available, provide any quantifiable indicators of use (e.g., # of cases/matters referred to mediation, # of projects handled through ECR).

4. Characterize your current level of support for ECR within your department/agency (e.g., # dedicated FTEs, required training, budget for hiring neutrals or supporting processes).

5. Has your department/agency taken any action this year in response to the November 2005 ECR Policy Memo (please refer to Section 5 of the ECR Policy Memo)?

If so, please describe.

If not, please explain.

Please attach any additional information as warranted.

Submit report electronically to:

ECRReports@omb.eop.gov